







FEATURED ARTIST PEDRO RAFAEL GONZÁLEZ CHAVAJAY

The Center is pleased to highlight the work of Pedro Rafael González Chavajay, a Maya Tz'utuhil artist from San Pedro LL, Sololá Guatemala. Our work in Guatemala is critical now more than ever. The Maya, Xinka, and Garifuna people are faced with grave human rights violations due to conflicts over natural resources, most of which are found in their lands and territories. Indigenous people's rights of self-determination over their lands, territories, and natural resources have little protection under Guatemala's current legal framework. The Center is working to change this. As we share more from the artist, please consider a donation to the Center to help us continue the work to protect indigenous rights around the world.

As a child, Pedro was inspired by his grandfather who was the first Maya artist from San Pedro. In fifth grade, Pedro's grandfather gave him a set of water colors to practice painting on his own. Shortly after, Pedro was forced to leave school and move to Guatemala City to work as a gardener. In the City he visited his uncle, Jose Antonio González, a painter who sold his work on the street. Pedro moved in with his uncle, sketching subjects on canvas for the older man to paint. Learning from his uncle's techniques with oils, Pedro soon began creating his own paintings, and on Sundays the two wandered the city, trying to sell paintings near the expensive hotels.

Pedro worked with his uncle for a year, but after the great earthquake of 1976 he moved back to San Pedro and continued painting on his own. After getting a job as a bilingual grade school teacher, he no longer needed to produce tourist art, and he could finally afford to be more original and detailed. His paintings became the most accomplished and richly colored of all the Mayan painters. Benjamin González, a promoter and the brother of established painters Mariano and Matias, loved cousin Pedro's paintings and invited him to be part of their group. For five years, the three artists were known as the "Brothers González Chavajay," becoming famous throughout Guatemala, and with exhibitions in greater Latin America, the U.S. and Japan. Although independently successful today, he still remains a major figure in their circle.

Select excerpts from Amit May Fine Arts website.

Back, Front and inside cover Triptych
FOOTSTEPS OF YESTERDAY AND TODAY, 2001

© Pedro Rafael González Chavajay, courtesy www.artemaya.com

OUR MISSION

The Indian Law Resource Center provides legal assistance to indigenous peoples of the Americas to combat racism and oppression, to protect their lands and environment, to protect their cultures and ways of life, to achieve sustainable economic development and genuine self-government, and to realize their other human rights.

The Indian Law Resource Center seeks to overcome the grave problems that threaten Native peoples by advancing the rule of law, by establishing national and international legal standards that preserve their human rights and dignity, and by challenging the governments of the world to accord justice and equality before the law to all indigenous peoples of the Americas.





CONSECRATING THE CORN, 2005 © Pedro Rafael González Chavajay, courtesy www.artemaya.com

OUR PURPOSES & GOALS

Indian nations and tribes and other indigenous communities throughout the world are afflicted by poverty, poor health, and discrimination. Many Native communities are subjected to grave human rights abuses. Indian land and natural resources are often expropriated or degraded. When indigenous peoples are deprived of their ways of life and their ties to the Earth, they suffer. Many have disappeared completely. Profoundly aware that when any culture ceases to exist, the whole world is diminished irrevocably, the Indian Law Resource Center's principal goal is the preservation and well-being of Indian and other Native nations and tribes.

We provide legal assistance without charge to Indian nations and other indigenous peoples in the United States and throughout the Americas.

The Center has an international Board of Directors, and it is a Non-Governmental Organization in consultative status with the United Nations Economic and Social Council. We are a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code. We are funded entirely by grants and contributions from Indian nations, foundations, and individuals. The Center accepts no government support.

PRESIDENT'S MESSAGE

“Human rights must be truly respected, and better laws and mechanisms are needed to protect the rights of indigenous peoples. There is still so much to be done, and we are committed to doing even more.”

—Robert T. Coulter

As we approach our 35th anniversary, we are energized and optimistic about the future. As you will read in this Annual Report, we have made important advances in protecting the rights of indigenous peoples throughout the Americas. Native leaders everywhere are encouraged by the UN Declaration on the Rights of Indigenous People and, with it, the new opportunities to seek fundamental changes that will give them a chance to preserve their cultures and thrive as self-governing peoples. The prospects for achieving real change are better than ever.

We know it will take a broad coalition of Native leaders demanding change to make implementation of the Declaration a reality. Jefferson Keel, president of the National Congress of American Indians, called for a review of all federal laws to ensure they comply with the Declaration. Many tribes have embraced the Declaration and have begun to demand law and policy changes that better protect their communities.

We are happy and deeply moved that our years of effort to raise awareness about violence against Native women and the need to expand tribal authority have met with great success. The Violence Against Women Act has been renewed, and the partial restoration of tribal authority is one of the most important legal developments in a generation. We will continue to provide legal advice to Native women's organizations and Indian nations on ways to strengthen tribal criminal authority and increase tribes' capacity to prevent violence and punish offenders on their lands. This is an important step toward curbing the epidemic of violence against Native women. As we have reported, Native women are more than twice as likely to be stalked than other women and, even worse, on some reservations, are murdered at a rate ten times the national average. We are clear, this epidemic must be stopped.

The Center's work in Guatemala is critical. We are providing legal help to the Maya Q'eqchi' community of Agua Caliente, Lot 9, which is threatened by a planned nickel mine on their land. The situation took a deadly turn this year when community President Rodrigo Tot's son was killed, apparently because of the family's opposition to the mine. We asked the Inter-American Commission on Human Rights to order the government to protect Tot's family and others, and the Commission did so. We are monitoring the situation, which remains tense, to ensure the highest level of safety for the Tots and for the entire community.

Urgent and unmet human needs remain in Native communities in this country and in practically every country of the Americas. Terrible economic conditions and shocking human suffering continue on so many Indian reservations. Casinos are meeting only a small part of this need. And even worse, Indian and Alaska Native governments are not able to solve these problems because they suffer under unjustifiable and unconstitutional legal restrictions. Indian lands and resources are still vulnerable to taking and destruction by others because they are not really protected by the law, especially in other countries. Human rights must be truly respected, and better laws and mechanisms are needed to protect the rights of indigenous peoples. There is still so much to be done, and we are committed to doing even more.

I am grateful for each individual donation, as well as the generous support of the Ford Foundation, Lannan Foundation, The Atlantic Philanthropies, The Overbrook Foundation, Charles Stewart Mott Foundation, The Libra Foundation, Mitsubishi Corporation Foundation for the Americas, and the U.S. Human Rights Fund. I am also grateful to many Indian nations and organizations, as well as non-indigenous allies, for their support and partnership.

THANK YOU ALL FOR YOUR SUPPORT.

Robert T. Coulter, President and Executive Director





LAW REFORM

IMPLEMENTING THE UN DECLARATION AND CHANGING FEDERAL LAW

Changing the unjust and unworkable legal framework applied to Native tribes is the core of our work in the United States. Indian and Alaska Native nations live under a system of federal law that is unconstitutional, obsolete, and so deeply flawed that it makes it all but impossible for Native nations to improve their economic and social conditions.

The plenary power doctrine, for example, supposedly gives the federal government almost limitless power over Native nations, including power to control and dispose of all their property and to control all of their tribal affairs. Congress claims “plenary power” to violate treaties with Indian nations, usually without any liability. The Supreme Court has ruled that the federal government may confiscate lands and resources owned by tribes since time immemorial without any compensation and without due process of law. The government manages or controls most Indian land, often mismanaging the land and resources, and it often fails to account for the resources and moneys owed to the tribes and individuals that own the land and resources.

Clarifying and improving current federal Indian law is absolutely necessary for Indian nations to gain meaningful control of their lands and improve their economic and social well-being. Tribes could solve their own problems if they had a genuine opportunity and if the law applied to them were reasonably fair and consistent with the Constitution.

WHAT WE ARE DOING

The Indian Law Resource Center is helping tribes build a national campaign to change the most unworkable elements of federal Indian law. The United Nations Declaration on the Rights of Indigenous Peoples, which we helped to win, has encouraged many Indian nations to seek long-needed changes using the Declaration as an agenda for change.

In 2012, our ground-breaking book, *Native Land Law: General Principles of Law Relating to Native Lands and Resources*, was published by West, the largest legal publisher in the United States. The book, edited by Robert T. Coulter, the Center’s Executive Director, was written largely by him and other Center attorneys. The book identifies the major failures of federal Indian law and sets forth 17 general principles of law that would clarify

or remedy these failures. The book describes the major elements of law that would make up a new framework of law that is consistent with the United States Constitution and consistent with the UN Declaration on the Rights of Indigenous Peoples. Tribes and lawyers eager for long-term change will find in the book a blueprint for possible legal reforms as well as the scholarly analysis and legal justification for these changes.

WE ARE ENGAGED IN MANY KINDS OF WORK FOR LEGAL CHANGE

- We are providing legal assistance, without charge, to tribes seeking reforms or making recommendations for changing fundamental elements of federal Indian law, such as recommendations to the Indian Trust Reform Commission.
- We are providing briefings and training sessions for Native nations to inform them about the UN Declaration and how it can be transformed into concrete proposals and actions to secure a better legal framework applying to Indians and Alaska Natives.
- We have formed a Law Reform Advisory Committee of experienced Native leaders to guide our work, especially our work to build a national campaign.
- We are providing educational briefings for federal officials and employees to help them better understand the UN Declaration and the need to improve federal Indian law. We expect to hold briefings for congressional staff in 2013.
- We are also educating lawyers and law students and are planning new materials and texts for use in law schools.
- We are using formal briefings and a variety of communication methods to build understanding among decision makers, federal officials and employees, and the general public to win their support for law reform. We use our website, social media networks, and videos and other multi-media for education and building awareness. We have also produced and published a series of articles about legal reform aimed at the public, the federal government, and tribal leadership.

LAW REFORM

“For an unimaginable length of time, those who have terrorized our women in our most sacred places, in our relationships, in our homes, and on our land, have gone unprosecuted. Now that time has come to an end and justice and security will flourish.”

—Juana Majel, 1st Vice President of the National Congress of American Indians and Co-Chair of its Task Force on Violence Against Women

SAFE WOMEN, STRONG NATIONS

Our work to stop violence against Native women helped achieve a historic change by restoring in part the authority of tribes to punish such violence when committed on reservations. The problem is horrific. Violence against Native women has become an epidemic in the United States. One in three Native women will be raped in her lifetime, and six in ten will be victims of physical assault — rates twice as high as any other population in the United States. Grandmothers, mothers, aunties — they talk about what they will do when their daughters are sexually assaulted. When, not if.

Too often, these crimes go uninvestigated and unpunished. In 1978, the federal government stripped tribes of their authority to prosecute crimes committed by non-Indians. Today, non-Indians comprise 76% of the population in American Indian areas and 68% of the population in Alaska Native villages. They also commit 88% of the violent crimes against Native women. The state and federal authorities responsible for investigating and prosecuting these crimes have failed Native women miserably. Between 2005 and 2009, United States attorneys declined to prosecute the vast majority — some 67% — of sexual abuse and related matters referred to their offices from Indian country.

Native women are protected less and denied meaningful access to justice just because they are Native and have been assaulted on an Indian reservation.

Our Safe Women, Strong Nations project seeks to end this human rights crisis. We partner with Native women’s organizations and Indian nations to raise awareness — both domestically and internationally — and to push for strong federal action restoring tribal criminal jurisdiction. We also provide training and legal advice to advocates and tribes to increase and strengthen their capacity to prevent and punish violent offenses on tribal lands.

Our work to raise international awareness adds world pressure on the United States to fulfill its human rights obligations. International human rights experts are responding to our efforts, and last year repeatedly called on the United States to take action to combat the horrific rates of violence against Native women in this country.

This international attention, along with the debate over the reauthorization of the Violence Against Women Act (VAWA), put violence against Native women at the forefront of conversation in 2012. We also called attention to the discriminatory laws that have left tribes as the only governments in the country without authority to protect women from domestic and sexual violence in their communities. We brought media attention to this injustice by creating powerful videos and by issuing press releases, writing commentaries, and granting interviews. We provided trainings for Native advocates and others on how to create fairer, more just laws to protect Native women.

We and our partners — the National Congress of American Indians Task Force on Violence Against Women, the National Indigenous Women's Resource Center, and others — also fought to strengthen VAWA by arguing for provisions to restore tribal criminal authority over non-Natives. We amplified the voices of VAWA activists through online petitions, and our videos and educational materials were well-used resources in advocacy from Indian country to Capitol Hill. Although the Senate passed a strong bipartisan bill with tribal provisions, the House of Representatives stripped out those protections in their version.

However, Congress acted quickly in 2013, passing a bipartisan VAWA with provisions to restore concurrent tribal criminal jurisdiction over non-Natives in instances of domestic violence, dating violence, and violations of protective orders. On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 into law.



Tulalip Tribes Vice Chair Deborah Parker and Theresa Sheldon provide an honor song for Native women at a luncheon in Washington, D.C.

—Photo by Michael Woestehoff, NIGA.



Native women's advocates rallied in Washington D.C. in June 2012 to support the Violence Against Women Act.

LAW REFORM

“We call on the President to fully implement the United Nations Declaration on the Rights of Indigenous Peoples. We specifically call for a review of all existing federal laws to ensure they are in alignment with the Declaration.”

—Jefferson Keel, President of the National Congress of American Indians, 10th Annual State of Indian Nations Address

CHALLENGING THE PLENARY POWER RULE: THE BATTLE OF THE TIMBISHA SHOSHONE TRIBE

A shocking example of the unfairness of federal law to Indian tribes is the recent treatment of the Timbisha Shoshone Tribe, a small tribe in Death Valley, California. Some years ago, the Timbisha Shoshone Tribe and other Western Shoshone tribes were awarded compensation by the Indian Claims Commission, and the money was placed in the U.S. Treasury in trust for the tribes. Then, in 2004, Congress passed an act taking all of the money away from the tribes and ordering the money to be distributed to individual Indians — not necessarily members of the tribes. Congress made up its own rules about who would get the money. The tribes were left with nothing out of the money they had been awarded. More than \$140 million was simply taken from them without compensation and without due process of law.

With our help, the Timbisha Shoshone Tribe fought back by suing to stop the taking of the fund on the ground that taking the Tribe's money without compensation or due process is a violation of the U.S. Constitution. We filed suit in 2010. Certainly, if this case involved the taking of money from anyone other than an Indian tribe, the taking would be barred by the Constitution. The federal government argued that because the money belonged to a tribe, Congress could take all the money and give it to others. Indeed, the federal government argues that it can take or dispose of all money and property belonging to any tribe, without any restriction at all and with no obligation to compensate the tribe. Obviously, this is unjust and discriminatory.

The federal government also argued that the Timbisha Shoshone Tribal Council could not sue the federal government unless the federal government itself recognized the Tribal Council. The Department of the Interior withdrew its recognition of the Tribal Council. Later, when the case was on appeal, the Department installed a new tribal government in complete violation of federal law and the Timbisha Shoshone Constitution as well. Then Interior Department lawyers argued that the lawsuit could not go on because the Timbisha Tribal Council had been replaced by the Interior Department. The government lawyers argued in court that the Department of the Interior had the absolute authority to simply do away with any tribal government in order to prevent it from suing. Although this is not the law, the Court of Appeals accepted the argument and dismissed the case in 2012. Again, the absolute and legally uncontrolled power of the federal government was used to prevent a small Indian tribe from protecting itself and its resources. This could not happen to others — only to Indian tribes.

The Timbisha Tribe has not stopped its fight, but is carrying on another federal suit challenging the Interior Department's illegal actions in installing a new and unlawful Timbisha government. We are helping with that suit and helping the Tribe take other steps to challenge the power of the federal government, including seeking fresh administrative review, gathering federal documents about this problem, and finding ways to stop non-members of the Tribe from voting and controlling the Tribe.

This small tribe of mostly traditional Timbisha people has been deprived of almost everything by the federal government and yet fights on against the federal government's unconstitutional “plenary power” and its illegal actions. We will continue to fight alongside them as long as necessary.



Pedro Rafael
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LAND RIGHTS

MAYA Q'EQCHI' LAND AND RESOURCE RIGHTS



The Agua Caliente community is among the Maya Q'eqchi' communities living in El Estor, Guatemala.



Agua Caliente leaders work with Center staff to draft a plan to gain international support for their rights.

The safety of the Agua Caliente community and other Maya Q'eqchi' communities in El Estor, Guatemala, is under grave threat due to a deposit of nickel that lies beneath their land. Guatemala granted permission for a mine without consulting Agua Caliente or the other communities affected. We are providing legal assistance to stop the mine and protect the land and the lives of Agua Caliente community members.

After exhausting the possibility of a remedy in domestic courts, we filed a petition with the Inter-American Commission on Human Rights concerning the violation of the community's rights to property, self-government, due process of law, and judicial protection by the state of Guatemala. The purpose of the case is to pressure the government of Guatemala to stop the mine and respect the Maya Q'eqchi's right to their lands and resources.

Opposition to the mine has brought serious consequences. The mining company is using threats and deadly violence to intimidate Agua Caliente and the surrounding communities. Agua Caliente leader Rodrigo Tot is on the front line of the legal effort to stop the mine. In October 2012, Rodrigo's son was shot and killed; his death is believed to be retribution for the family's public opposition to the mine. The murder spurred the Inter-American Commission on Human Rights to grant the Center's request for government-enforced protective measures to safeguard Rodrigo, his family, and others whose lives have been threatened. The Commission also ordered Guatemala to immediately investigate and punish those responsible for the assassination and the continued threats.

The Maya Q'eqchi' cultural and spiritual beliefs are deeply rooted to their lands, lands that are critical for their physical, economic, and cultural survival. As we wait for the Inter-American Commission on Human Rights to review our petition, we are helping the Maya leaders to build support for their case and for their human rights. We continue to encourage precautionary measures be put in place to protect the entire Agua Caliente community.

MOHAWK NATION LAND RIGHTS AND THE RIGHT TO EQUALITY BEFORE THE LAW

Some of our most important legal work helps Indian nations protect — and sometimes regain — their homelands. We continue to represent the traditional government of the Mohawk Nation, which has been fighting for many generations to recover a part of its homelands stolen from them over 200 years ago by the State of New York in violation of federal law. Our work includes a major law suit to recover lands and compensation. After arguing against attempts by defendants to get the case dismissed, we won a partial victory in September 2012. While many of the Mohawks' land claims were dismissed, a central 2,000-acre area was found to constitute a claim the Mohawk parties should be allowed to prove. This recommendation by a magistrate judge will be reviewed and possibly changed by the District Court judge. In either event, appeals will likely follow.

For more than a generation, we have carried on this case to recover ownership of lands where many Mohawks continue to live. We are doing it both to benefit the Mohawk Nation but also to demand that laws benefitting Indians be enforced by the courts and that the courts accord Indian nations equality before the law. We believe this case may yet result in a small measure of justice for the Mohawk Nation.

RAPA NUI

The Center continues to provide legal counsel to 32 indigenous clans on the island of Rapa Nui, commonly known as Easter Island, a colony of Chile. The Rapa Nui people are trying to regain authority over their island and recover their ancestral lands.

The Rapa Nui people have had a bitter colonial relationship with Chile, dating back to 1888, when the island and its inhabitants began to be treated as the property of Chile. The Rapa Nui people were unlawfully confined to a small area; the remainder of the island was leased to private enterprises. During the years the Rapa Nui were interned, which lasted until 1966, Chile ignored the clans' land ownership and sold their lands to private companies and developers.

Control of tourism and immigration are central issues, because each year Rapa Nui attracts tens of thousands of visitors who come to see the iconic stone figures that have made the island famous. The Rapa Nui clans want real governing authority over these and other issues that affect them so greatly. Chilean policies too often fail to protect the environment and the rights of the Rapa Nui people. Some of the island's archeological sites, which have deep cultural and spiritual significance for the Rapa Nui people, have been disturbed to make way for projects such as parking lots and restrooms.

We are advising the Rapa Nui clans about their right of self-determination and about steps they may wish to consider for protecting their lands and their human rights generally.



HUMAN RIGHTS

WINNING HUMAN RIGHTS

One of the Center's hallmarks has been our success in using international human rights law in creating new international standards that advance and protect indigenous peoples' human rights. Our role in helping Indian leaders initiate and win adoption of the United Nations Declaration on the Rights of Indigenous Peoples is a major part of Indian Law Resource Center history. We have continued to help Native nations build on that legacy by helping them take steps toward ensuring the rights in the UN Declaration can be exercised and enjoyed.

The World Conference on Indigenous Peoples, which will be held in September 2014, presents a superb opportunity to demand action from United Nations member countries — action that can give real effect to the UN Declaration. In 2012, we began the process of building consensus on proposals Indian nations and indigenous peoples would like to see adopted by states during the World Conference. Winning a formal decision to create a body in the United Nations responsible for monitoring and implementing the UN Declaration has started to emerge as a priority among many Native leaders. This idea is well within the realm of possible outcomes of the Conference. We are providing information and legal assistance to help Native nations and leaders champion this and other recommendations and effectively participate in World Conference preparations and gatherings.

We have also continued to press for the adoption of an American Declaration on the Rights of Indigenous Peoples by the Organization of American States. A strong American Declaration would not only affirm, but clarify and build upon the rights recognized in the UN Declaration. Draft articles of the American Declaration have more explicit protections for indigenous peoples' lands and resources, including subsurface resources and carbon resources. There are also proposals to address critical issues left out of the UN Declaration, such as the rights of indigenous peoples living under internal armed conflict and the rights of those in voluntary isolation and in initial contact. An American Declaration also holds the promise of a more thorough treatment of the rights of indigenous women.

The Center helped indigenous leaders prepare for and participate in the 14th round of negotiations on the draft American Declaration, which took place in April 2012. During the negotiations, consensus was reached on articles regarding spirituality, treaty rights, and rights to lands and resources, cultural heritage, and intellectual property. However, much of the draft text remains unsettled. We continue to campaign to win United States support for the American Declaration and we are urging federal officials to re-engage and take a leadership role in the negotiations. We are also supporting the Navajo Nation's efforts to plan and host a negotiation session in Navajo territory in 2013.



Kenneth Deer, Secretary of the Mohawk Nation of Kahnawake in Canada, addresses leaders participating in the negotiations of the American Declaration on the Rights of Indigenous Peoples in Washington, D.C.
—Photo by Leonardo Crippa



OAS member states participate in the 14th round of negotiations on the draft American Declaration on the Rights of Indigenous Peoples in Washington, D.C.
—Photo by Leonardo Crippa

HUMAN RIGHTS



Indigenous leaders gather at the United Nations Conference on Sustainable Development (Rio +20) in Rio, Brazil. Rio de Janeiro, Brazil in June 2012.

“Our knowledge, our technologies, our education, our way of life, our customs, our harmonious lifestyle and ancestral practices—that is sustainable development.”

—Mario Santi of the Sarayaku people

REDD+: MAKING CLIMATE POLICIES RESPECT INDIGENOUS RIGHTS

The Center is bringing our expertise and voice to shaping and strengthening climate change programs and policies so they respect the rights of indigenous communities.

REDD+, which stands for Reducing Emissions from Deforestation and Forest Degradation, is one of the largest initiatives addressing climate change. The concept behind REDD is simple: reward forest owners in developing countries for conserving their forests rather than cutting them down. Much of the remaining standing forests are on indigenous peoples' lands — indigenous peoples care for over 20% of Earth's land surface, directly maintaining nearly 80% of the planet's remaining biodiversity. Because of this, governments, conservation groups, and private investors who are eager to gain access to REDD funds are taking over indigenous forest lands. It is critical that REDD+ programs include strong protections for the rights of indigenous peoples.

In 2012, the Center prepared a major study, the “International Law Principles for REDD+: The Rights of Indigenous Peoples and the Legal Obligations of REDD+ Actors,” to educate indigenous leaders and policymakers about the rights of indigenous peoples and the legal obligations of countries and institutions involved in REDD+. We provided technical information and legal support to indigenous communities wanting to learn more about REDD+ and wanting to defend their lands and natural resources.

We also advocated within the World Bank and the United Nations' UN-REDD Programme, two of the key institutions implementing REDD+ projects, to create protections for indigenous resources and rights. The Center has been pushing both institutions to recognize the crucial role that indigenous peoples play in protecting forests and combating climate change. We are urging the adoption of policy safeguards that are consistent with the UN Declaration on the Rights of Indigenous Peoples.

MULTILATERAL DEVELOPMENT BANKS: INDIGENOUS PEOPLES AND THE ENVIRONMENT

The Center is working globally to create a legal framework to protect indigenous communities and their lands and environments from harmful development projects financed by multilateral development banks, such as the World Bank and the Inter-American Development Bank.

Development projects, such as dams and forestry initiatives, often result in severe human rights violations for affected communities. Harmful projects are often developed and implemented without the participation or consent of the local community that will be impacted. This is particularly true for Indian peoples in Mexico and Central and South America. For this reason, we are working to develop binding international law that will require the World Bank and other such banks to respect and protect human rights in relation to the projects they fund.

In addition, the Center works to change the policies of development banks. We believe that these institutions are obligated to respect international human rights law and to implement the standards in the UN Declaration on the Rights of Indigenous Peoples.

Our work includes informing indigenous leaders about policy developments at the World Bank and advocating for stronger safeguards to protect their rights. We also work to educate and engage United Nations agencies on the human rights impacts of development banks and the important role the agencies can play in improving bank policies and practices. We successfully urged the UN Permanent Forum on Indigenous Issues to address the impacts of development bank financed activities on indigenous peoples; a special session on the subject was held during the Permanent Forum session in May 2013.

MAYA WOMEN, 2000 © Pedro Rafael González Chavajay, courtesy www.artemaya.com



ENVIRONMENTAL PROTECTION

PROTECTING ALASKA'S RIVERS

The Center has continued to help Alaska Native nations and villages expand their legal and technical capacity to protect and clean up their lands and waters. Watershed protection is one of the most critical issues for Native peoples in Alaska, because rivers are often, literally, a lifeline for their subsistence lifestyles and traditions.

We work with the Yukon River Inter-Tribal Watershed Council (YRITWC), a coalition of 70 sovereign Alaska Native and Canadian First Nation governments committed to restoring the Yukon River and protecting the watershed from pollution. The watershed is comprised of millions of acres spread along 2,300 miles of river. Activities and discharges in the watershed have contributed to the declining health of the river and of Native people in the region. In 2012, we worked with YRITWC to complete a report examining how Alaska Native and Canadian First Nations fit within the overall environmental jurisdictional scheme, the challenges created by this scheme, and the primary entities within each government — federal, state, territorial, and Native — that address environmental conservation issues in the watershed. Understanding the distinct jurisdictional mandates will help Native nations advocate for improved wastewater management and other strategies to clean up and protect the watershed.

A few years ago, we helped Alaska Native villages establish the Kuskokwim River Watershed Council to promote consensus based environmental stewardship in the Kuskokwim region. At 825 miles, the Kuskokwim is the longest free flowing river in the United States. The vastness of this region, along with the fact that the villages are incredibly remote and isolated from each other, highlights the important role this group can play to facilitate cooperation in protecting the environmental integrity of the watershed. We look forward to providing further support to the Kuskokwim River Watershed Council with efforts to protect the Kuskokwim region.

FORT BELKNAP RESERVATION: PROTECTING WATER QUALITY

The Center continues to serve as legal counsel to the Assiniboine and Gros Ventre Tribes in Montana to address the environmental damage caused by two gold mines adjacent to the Fort Belknap Indian Reservation. Through lawsuits and public pressure, we helped the Tribes shut down the Zortman and Landusky mines — once the largest heap-leach gold mines in North America — and demand the first-ever complete reclamation of the open-pit mines. Although the mines are now closed and most reclamation is complete, our partnership continues.

During the 20 years we have worked with the Tribes, the strategy has shifted from litigation to cooperation. The Center is helping the Tribes coordinate with state and federal agencies to monitor the progress of the reclamation efforts and resolve the remaining water quality issues. While there have been significant improvements in water quality, pollution often exceeds state water-quality standards. We remain committed to supporting the Tribes' work to clean up past contamination and ensure they are able to protect their lands from future environmental threats.

HANDBOOK FOR CONSERVATIONISTS

In the Center's 35 years of work at the intersection of environmental protection and indigenous human rights, we routinely see conservationists and Native nations miss important opportunities to work together to achieve their common environmental goals.

Ignorance, stereotyping, misunderstanding, and mistrust often thwart the formation of alliances to protect threatened habitats and species, clean up polluted lands and waters, and expand sustainable development opportunities. We began exploring why this is and found a part of the answer: although there is sincere interest in collaboration, conservationists have hesitated to engage with Indian and Alaska Native nations simply because they know little about them and how to work with them.

The Center is producing a book to help close this knowledge gap. Our handbook for conservationists will lay out the basics of what they need to know about Native tribes, from elementary questions about Indians and Native nations that most people are afraid to ask — who is an Indian and what are federally recognized tribes? — to complex legal issues regarding ownership and regulatory authority of Native nations, states, and the federal government over lands, resources, and the environment in Indian country.

We are writing chapters of the handbook and gathering resources and references to include. In 2012, one of the chapters was published in *Tribes, Land, and the Environment*, one in a series of books that examines property in terms of its ability to advance social justice. The chapter we contributed “Natural Allies: Conservationists, Indian Tribes, and Protecting Native North America,” highlights how successful collaboration is not only possible, but usually results in far better conservation outcomes.

SACRED SPRING, 2009 © Pedro Rafael González Chavajay, courtesy www.artemaya.com



STAFF



ROBERT T. COULTER, EXECUTIVE DIRECTOR

Robert, a member of the Citizen Potawatomi Nation, founded the Center in 1978. He is an attorney with more than 40 years of experience in the field of Indian law and author of many articles in the field of Indian law and human rights. He received his bachelor's degree from Williams College and a law degree from Columbia University.



ARMSTRONG A. WIGGINS, DIRECTOR OF THE WASHINGTON, D.C. OFFICE

Armstrong is a Miskito Indian from Nicaragua. He has been with the Center since 1981 and has over 35 years of experience in the field of human rights. Armstrong was a political prisoner in Nicaragua during both the Somoza and Sandinista regimes because of his activism and leadership in promoting human rights. He directs the Washington, D.C. office and much of the international human rights work of the Center, managing the Mexico and Central and South America Program.



ETHEL BILLIE BRANCH, ATTORNEY

Ethel, a citizen of the Navajo Nation, joined the Washington, D.C. office in 2011. She is a graduate of Harvard, earning her A.B. in 2001 and her J.D. and a Master of Public Policy degree in 2008. Ethel resigned from the Center in August 2012 and is now an associate with a law firm in Seattle, Washington.



LEONARDO CRIPPA, SENIOR ATTORNEY

Leonardo, a Kolla Indian from Jujuy, Argentina, joined the Center's Washington, D.C. office in 2005. He received his law degree from Universidad Nacional de Tucumán in Argentina and a Master of Law degree from American University Washington College of Law in 2008. He previously worked at the Center for Justice and International Law on human rights cases within the Inter-American system.



HESTER M. DILLON, DIRECTOR OF DEVELOPMENT

Hester, a member of the Cherokee Nation, joined the Center in April 2012. She received bachelors' degrees in Native American Studies and English from the University of Montana, and a law degree from the University of Arizona. Since graduating from law school in 2005, she worked for and with tribal governments and individuals on fund raising to strengthen Native communities and as an attorney for the *Keepseagle* settlement.



KARLA GENERAL, ATTORNEY

Karla (Kawenniiostha) joined the Center in 2010 and works in the Washington, D.C. office. Karla is deer clan and a citizen of the Mohawk Nation from northern New York. She earned her J.D. and Master's degree in Sociology from Syracuse University College of Law and the Maxwell School in May 2010.



GRETCHEN GORDON, ATTORNEY

Gretchen joined the Center's Washington, D.C. office in 2012. She has extensive experience in policy advocacy, especially relating to international social and environmental justice issues. More recently her work has focused on energy, development and climate policy and its impacts on the human rights of indigenous peoples in the Americas. She has a J.D. and a Master's in Latin American Studies from the University of California, Berkeley.



LISA MYAYA, COMMUNICATIONS & DEVELOPMENT ASSISTANT

Lisa joined the Center's Montana office in 2007. She works on communications and development projects and assists with office administration. She has more than 15 years of experience in the non-profit sector, primarily with resource conservation, education, and arts organizations.



FRAN OWENS, DIRECTOR OF FINANCE & ADMINISTRATION

Fran joined the Center's Montana office in January 2012 and is responsible for the Center's administrative and financial matters. She received her A.S. in Computer Science and Accounting from Keystone College, her B.S. in Accounting from Wilkes University, and her M.B.A. in Finance from the University of Scranton.



MARILYN RICHARDSON, ASSISTANT TO THE DIRECTOR

Marilyn, a member of the Chippewa Tribe, joined the Center's Montana office in 1996. She works closely with the development staff, serves as the assistant to the Board of Directors, and coordinates direct mail and special events.



GINNY UNDERWOOD, DIRECTOR OF COMMUNICATIONS
Ginny, a member of the Comanche Nation, joined the Center in 2009. She has more than 19 years of experience in the field of communications. Prior to joining the Center, she served as Executive Director of Programs and Strategic Initiatives for the communication arm of The United Methodist Church. She received her B.A. in Mass Communications from Oklahoma City University.



LORENA VACA, PROGRAM ASSISTANT
Lorena, originally from Ecuador, joined the Washington, D.C. office in 2010. She has worked extensively with indigenous peoples in South America, gaining strong field experience working on climate issues in Guyana. She holds a B.A. in Government and International Politics from George Mason University.



JANA L. WALKER, SENIOR ATTORNEY
Jana, a citizen of the Cherokee Nation (Cherokee/Loyal Shawnee/Delaware), joined the Center's Montana office in 2011. Prior to joining the Center, she spent more than 24 years in private practice working with tribes and tribal entities in the field of Indian law. Jana received her bachelor's degree in Nursing from the University of Oklahoma and J.D. from the University of New Mexico School of Law.

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—Susan Masten, Chairperson

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STATEMENTS OF FINANCIAL POSITION

for the year ended December 31

ASSETS

CURRENT ASSETS

	2012	2011
Cash and cash equivalents	\$514,106	\$790,178
Certificates of deposit	50,000	49,995
Current grants receivable (net)	423,957	850,000
Other receivables	4,405	2,485
Prepaid expenses	18,122	6,549
Total current assets	1,010,590	1,699,207

LONG-TERM GRANTS RECEIVABLE (NET)	-	173,182
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PROPERTY AND EQUIPMENT— AT COST

Net depreciable assets	21,032	30,309
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OTHER ASSETS

Deposits	1,325	1,325
Gar Creek Seminole land purchase	420,269	420,269
Investments, restricted	37,350	34,626
Restricted cash	27,324	20,543
Total other assets	486,268	476,763
TOTAL ASSETS	\$1,517,890	\$2,379,461

LIABILITIES AND NET ASSETS

CURRENT LIABILITIES

Accounts payable	\$19,861	\$32,991
Accrued salaries and vacation payable	32,822	27,740
Payroll taxes payable	5,427	4,691
Other accrued expenses	-	248
Total current liabilities	58,110	65,670

NET ASSETS

Unrestricted	230,261	682,262
Temporarily restricted	1,173,752	1,580,568
Permanently restricted	55,767	50,961
TOTAL NET ASSETS	1,459,780	2,313,791
TOTAL LIABILITIES AND NET ASSETS	\$1,517,890	\$2,379,461

THE FIRST MELODY, 2008 © Pedro Rafael González Chavajay, courtesy www.artemaya.com





STATEMENT OF ACTIVITIES

for the year ended December 31, 2012

	UNRESTRICTED	TEMPORARILY RESTRICTED	PERMANENTLY RESTRICTED	TOTAL 2012
SUPPORT AND REVENUE				
Contributions	\$75,183	-	\$4,806	\$79,989
Grants	372,873	335,926	-	708,799
Bequests and trusts	6,667	-	-	6,667
Interest	1,552	910	-	2,462
Other	3,267	-	-	3,267
Realized and unrealized gains on investments	548	2,095	-	2,643
Released from restriction	745,747	(745,747)	-	-
Total support and revenue	1,205,837	(406,816)	4,806	803,827
EXPENSES				
Program services	998,121	-	-	998,121
Management and general	478,712	-	-	478,712
Fund raising	181,005	-	-	181,005
Total expenses	1,657,838	-	-	1,657,838
Change in net assets	(452,001)	(406,816)	4,806	(854,011)
NET ASSETS AT BEGINNING OF YEAR	682,262	1,580,568	50,961	2,313,791
NET ASSETS AT END OF YEAR	\$230,261	\$1,173,752	\$55,767	\$1,459,780

STATEMENT OF ACTIVITIES

for the year ended December 31, 2011

	UNRESTRICTED	TEMPORARILY RESTRICTED	PERMANENTLY RESTRICTED	TOTAL 2011
SUPPORT AND REVENUE				
Contributions	\$76,022	\$9,045	\$240	\$85,307
Grants	393,500	1,716,678	-	2,110,178
Bequests and trusts	6,382	-	-	6,382
Contract services	50	-	-	50
Interest	2,606	1,022	-	3,628
Other	2,767	-	-	2,767
Realized and unrealized gains on investments	-	693	-	693
Released from restriction	1,036,503	(1,036,503)	-	-
Total support and revenue	1,517,830	690,935	240	2,209,005
EXPENSES				
Program services	935,201	-	-	935,201
Management and general	412,596	-	-	412,596
Fund raising	194,887	-	-	194,887
Total expenses	1,542,684	-	-	1,542,684
Change in net assets	(24,854)	690,935	240	666,321
NET ASSETS AT BEGINNING OF YEAR	707,116	889,633	50,721	1,647,470
NET ASSETS AT END OF YEAR	\$682,262	\$1,580,568	\$50,961	\$2,313,791

